



# Journal of the Senate

State of Indiana

115th General Assembly

First Regular Session

Seventeenth Meeting Day

Tuesday Afternoon

February 13, 2007

The Senate convened at 1:37 p.m., with the President of the Senate, Rebecca S. Skillman, in the Chair.

Prayer was offered by Senator Patricia L. Miller.

The Pledge of Allegiance to the Flag was led by the President of the Senate.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Becker	Lubbers
Boots	Meeks
Bowser <input checked="" type="checkbox"/>	Merritt
Bray	Miller
Breaux <input checked="" type="checkbox"/>	Mishler
Broden	Mrvan
Deig	Nugent
Delph	Paul
Dillon	Riegsecker
Drozda	Rogers
Errington	Simpson
Ford	Sipes
Gard	Skinner
Heinold	Smith <input checked="" type="checkbox"/>
Hershman	Steele
Howard	Tallian
Hume	Walker
Jackman	Waltz
Kenley	Waterman <input checked="" type="checkbox"/>
Kruse	Weatherwax
Lanane	Wyss
Landske	Young, M.
Lawson	Young, R.
Lewis	Zakas

Roll Call 93: present 46; excused 4. [Note: A ☒ indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

## REPORTS FROM COMMITTEES

### COMMITTEE REPORT

Madam President: The Senate Committee on Natural Resources, to which was referred Senate Joint Resolution 14, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass. Committee Vote: Yeas 10, Nays 0.

JACKMAN, Chair

Report adopted.

### COMMITTEE REPORT

Madam President: The Senate Committee on Energy and Environmental Affairs, to which was referred Senate Bill 156, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass. Committee Vote: Yeas 9, Nays 0.

GARD, Chair

Report adopted.

### COMMITTEE REPORT

Madam President: The Senate Committee on Energy and Environmental Affairs, to which was referred Senate Bill 286, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass. Committee Vote: Yeas 8, Nays 0.

GARD, Chair

Report adopted.

### COMMITTEE REPORT

Madam President: The Senate Committee on Natural Resources, to which was referred Senate Bill 357, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass. Committee Vote: Yeas 7, Nays 3.

JACKMAN, Chair

Report adopted.

### COMMITTEE REPORT

Madam President: The Senate Committee on Energy and Environmental Affairs, to which was referred Senate Bill 467, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass. Committee Vote: Yeas 8, Nays 0.

GARD, Chair

Report adopted.

### COMMITTEE REPORT

Madam President: The Senate Committee on Economic Development and Technology, to which was referred Senate Bill 158, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture.

Page 2, line 32, delete "servicing" and insert "marketing".

Page 3, delete lines 17 through 38.

Page 4, between lines 25 and 26, begin a new paragraph and insert:

"SECTION 9. IC 15-4-10-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 15. (a) When necessary, the council may appoint individuals who hold offices of importance to the corn industry or have special expertise concerning that industry to participate in the work of the council. ~~but these individuals~~

**(b) At least one (1) individual appointed under this section must represent first purchasers.**

**(c) An individual appointed under this section:**

**(1) may not participate in votes taken by the council; and**

**(2) is eligible for reimbursement for traveling expenses and other expenses actually incurred in connection with the individual's duties as allowed under section 12(d) of this chapter."**

Page 5, reset in roman lines 9 through 10.

Page 5, line 13, delete "(b)" and insert "(c)".

Page 5, line 15, reset in roman "(d)".

Page 5, line 15, delete "(c)".

Page 7, line 8, strike "and financial".

Page 7, line 8, after "report" insert "**and audit**".

Page 7, line 9, strike "this" and insert "**the**".

Page 7, line 9, after "report" insert "**and audit**".

Page 7, line 9, delete "." and insert "**of the department of agriculture.**".

Page 7, between lines 18 and 19, begin a new line block indented and insert:

**"(11) Keep accurate accounts of all receipts and disbursements of funds handled by the council and have the receipts and disbursements audited annually by a qualified public accountant."**

Page 7, line 19, delete "(11)" and insert "(12)".

Page 7, line 30, delete "." and insert "**or at the request of two-thirds (2/3) of the members of the council.**".

Page 8, between lines 29 and 30, begin a new paragraph and insert:

"SECTION 19. IC 15-4-10-24.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 24.6. (a) An amount not to exceed thirty percent (30%) of the money collected by the Indiana corn marketing council under section 26 of this chapter may be used to provide economic development incentive grants recommended by the department of agriculture and the Indiana economic development corporation to businesses that use corn. A grant made under this section must be approved by a majority of the members of the council.

**(b) The council may choose to spend money for economic development grants in addition to the money used for economic development under subsection (a)."**

Page 9, line 12, reset in roman "cent (\$0.005)".

Page 9, line 12, delete "of one percent (0.5%) of the net market price".

Page 11, between lines 9 and 10, begin a new paragraph and insert:

**"(c) The council may periodically audit a first purchaser's checkoff assessment and remittance records as kept under subsection (a). An audit must be conducted by a qualified public accountant of the council's choosing, and the costs of the audit shall be paid by the council."**

Page 12, delete lines 28 through 42, begin a new paragraph and insert:

"SECTION 26. IC 15-4-10-33 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 33. (a) On August 1, 2011, and not later than every five (5) years thereafter, the director of the department of agriculture shall conduct a referendum among corn producers who, during a period determined by the director of the department of agriculture, have been engaged in the production of corn. The purpose of the referendum is to determine whether the corn check off program should be continued or discontinued. The director of the department of agriculture shall develop criteria for the conduct of referenda.

**(b) The director shall, to the extent practicable, provide broad public notice in advance of any referendum. Notice shall be given by means determined appropriate by the director of the department of agriculture.**

**(c) The director of the department of agriculture shall report the results of the referendum to the legislative council. The report must be in an electronic format under IC 5-14-6. If a majority of the producers voting in the referendum want the program to be discontinued, the director of the department of agriculture shall request that the legislative council have legislation prepared to repeal the corn market law.**

**(d) The director of the department of agriculture must be reimbursed from the Indiana corn market development account for any expenses incurred in connection with the conduct of a referendum.**

**(e) A referendum shall be conducted for a reasonable period established by the director of the department of agriculture, not to exceed three (3) days, under a procedure whereby a producer intending to vote in the referendum must certify that the producer was engaged in the production of corn during the period established by the director of the department of agriculture.**

**(f) Referenda shall be conducted at county extension offices. The director of the department of agriculture shall make provisions for absentee mail ballots to be provided on request. Absentee mail ballots shall be furnished by the director of the department of agriculture on request made in person, by mail, or by telephone."**

Delete page 13.

Renumber all SECTIONS consecutively.

(Reference is to SB 158 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 1.

FORD, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Natural Resources, to which was referred Senate Bill 270, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning transportation.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 8-14-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 4. (a) The auditor of state shall establish a special account to be called the "local road and street account" and credit this account monthly with forty-five percent (45%) of the money deposited in the highway, road and street fund.

(b) The auditor shall distribute to units of local government money from this account each month. **Before making any other distributions under this chapter, the auditor shall distribute E85 incentive payments to all political subdivisions entitled to a payment under section 8 of this chapter.**

(c) **After distributing E85 incentive payments required under section 8 of this chapter,** the auditor of state shall allocate to each county the **remaining** money in this account on the basis of the ratio of each county's passenger car registrations to the total passenger car registrations of the state. The auditor shall further determine the suballocation between the county and the cities within the county as follows:

(1) In counties having a population of more than fifty thousand (50,000), sixty percent (60%) of the money shall be distributed on the basis of the population of the city or town as a percentage of the total population of the county and forty percent (40%) distributed on the basis of the ratio of city and town street mileage to county road mileage.

(2) In counties having a population of fifty thousand (50,000) or less, twenty percent (20%) of the money shall be distributed on the basis of the population of the city or town as a percentage of the total population of the county and eighty percent (80%) distributed on the basis of the ratio of city and town street mileage to county road mileage.

(3) For the purposes of allocating funds as provided in this section, towns which become incorporated as a town between the effective dates of decennial censuses shall be eligible for allocations upon the effectiveness of a corrected population count for the town under IC 1-1-3.5.

(4) Money allocated under the provisions of this section to counties containing a consolidated city shall be credited or allocated to the department of transportation of the consolidated city.

(d) Each month the auditor of state shall inform the department of the amounts allocated to each unit of local government from the local road and street account.

SECTION 2. IC 8-14-2-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 8. (a) **As used in this section, "administrator" has the meaning set forth in IC 6-6-1.1-103(a).**

(b) **As used in this section, "E85" has the meaning set forth in IC 6-6-1.1-103(s).**

(c) **A political subdivision is entitled to a monthly E85 incentive payment under this section of at least seventy-five percent (75%) of the motor fuel purchased by the political subdivision in the preceding calendar month for use in the political subdivision's motor vehicles that may be fueled by E85.**

(d) **Subject to subsection (h), the amount of a monthly E85 incentive payment to which a political subdivision is entitled**

**under this section is equal to:**

(1) **the total number of motor vehicles owned by the political subdivision that may be fueled by E85; multiplied by**

(2) **thirty-three dollars and thirty-three cents (\$33.33).**

(e) **To claim an E85 incentive payment under this section, a political subdivision must present to the auditor of state a statement that:**

(1) **contains a written verification that the incentive payment claim is made under penalties of perjury; and**

(2) **sets forth:**

(A) **the total number of motor vehicles owned by the political subdivision that may be fueled by E85;**

(B) **the total amount of E85 purchased by the political subdivision in the preceding calendar month for use in a motor vehicle described in clause (A); and**

(C) **the total amount of motor fuel purchased for use in a motor vehicle described in clause (A).**

(f) **The auditor of state may request the administrator to make investigations the auditor of state considers necessary before issuing an E85 incentive payment under this section. The administrator shall provide any assistance requested under this section. Upon the request of the administrator, a political subdivision shall furnish to the administrator sufficient documentation to prove the validity of the information presented under subsection (e).**

(g) **If an E85 incentive payment is not issued within ninety (90) days after filing of the verified statement and all supplemental information required by subsection (f), the auditor of state shall pay interest at the rate established by IC 6-8.1-9 computed from the date of filing of the verified statement and all supplemental information required under this section until a date determined by the auditor of state that does not precede by more than thirty (30) days the date on which the E85 incentive payment is made.**

(h) **A political subdivision is not entitled to an E85 incentive payment for E85 used in a motor vehicle owned by the political subdivision after December 31 of the fifth calendar year of the political subdivision's ownership of the motor vehicle.**

(i) **This section expires January 1, 2015.**

SECTION 3. [EFFECTIVE JANUARY 1, 2008] (a) **IC 8-14-2-8, as added by this act, applies to a political subdivision's purchase of E85 (as defined in IC 6-6-1.1-103(s)) occurring after December 31, 2007.**

(b) **A political subdivision may not claim an E85 incentive payment for any purchase of E85 occurring after December 31, 2014.**

(Reference is to SB 270 as introduced.)  
and when so amended that said bill do pass.  
Committee Vote: Yeas 5, Nays 2.

JACKMAN, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Economic Development and Technology, to which was referred Senate Bill 315, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that

said bill be amended as follows:

Page 2, line 13, delete "assembly before January 1, 2009." and insert **"assembly:**

**(1) in an intermediate report due before January 1, 2008; and**

**(2) in a final report due before January 1, 2009."**

(Reference is to SB 315 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

FORD, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Energy and Environmental Affairs, to which was referred Senate Bill 431, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 13-11-2-8, AS AMENDED BY P.L.154-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. **(a) "Applicant", for purposes of IC 13-18-10, refers to a person (as defined in section 158(b) of this chapter) that submits an application to the department under IC 13-18-10-2.**

~~(a)~~ **(b)** "Applicant", for purposes of IC 13-19-4, means an individual, a corporation, a limited liability company, a partnership, or a business association that:

- (1) receives, for commercial purposes, solid or hazardous waste generated offsite for storage, treatment, processing, or disposal; and
- (2) applies for the issuance, transfer, or major modification of a permit described in IC 13-15-1-3 other than a postclosure permit or an emergency permit.

For purposes of this subsection, an application for the issuance of a permit does not include an application for renewal of a permit.

~~(b)~~ **(c)** "Applicant", for purposes of IC 13-20-2, means an individual, a corporation, a limited liability company, a partnership, or a business association that applies for an original permit for the construction or operation of a landfill.

~~(c)~~ **(d)** For purposes of subsection ~~(a)~~ **(b)**, "applicant" does not include an individual, a corporation, a limited liability company, a partnership, or a business association that:

- (1) generates solid or hazardous waste; and
- (2) stores, treats, processes, or disposes of the solid or hazardous waste at a site that is:
  - (A) owned by the individual, corporation, partnership, or business association; and
  - (B) limited to the storage, treatment, processing, or disposal of solid or hazardous waste generated by that individual, corporation, limited liability company, partnership, or business association."

Page 1, line 11, delete "IC 13-18-10.5,".

Page 2, line 6, delete "191. (a)" and insert "191. **(a) "Responsible party", for purposes of IC 13-18-10, means any of the following:**

**(1) An applicant referred to in IC 13-18-10-1.5(a).**

**(2) A person referred to in IC 13-18-10-1.5(b).**

**(3) An officer, a corporation director, or a senior management official of any of the following that is an applicant referred to in IC 13-18-10-1.5(a) or a person referred to in IC 13-18-10-1.5(b):**

**(A) A corporation.**

**(B) A partnership.**

**(C) A limited liability company.**

**(D) A business association.**

~~(a)~~ **(b)**".

Page 2, line 7, delete "IC 13-18-10.5 and".

Page 2, line 15, strike "(b)" and insert "(c)".

Page 2, line 22, strike "(c)" and insert "(d)".

Page 2, line 25, strike "(d)" and insert "(e)".

Page 3, line 14, delete "A" and insert **"Except as provided in subsection (b), a"**.

Page 3, line 15, strike "a confined feeding operation" and insert **"either of the following"**.

Page 3, line 16, delete "department. IC 13-18-10.5 applies" and insert "department:

**(1) A confined feeding operation.**

**(2) A CAFO."**

Page 3, delete line 17.

Page 3, line 18, delete "IC 13-18-10.5," and insert **"section 1.5 of this chapter,"**.

Page 3, line 19, strike "(a)" and insert **"(a)(2)"**.

Page 3, between lines 20 and 21, begin a new paragraph and insert:

"SECTION 7. IC 13-18-10-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 1.5. (a) An applicant must include in the application the disclosure statement or statements referred to in subsection (c).**

**(b) A person that is not required to file an application for a CAFO as provided in section 1(b) of this chapter must include the disclosure statement or statements referred to in subsection (c) in:**

**(1) the application for an individual NPDES permit for the CAFO under 327 IAC 5; or**

**(2) the notice of intent filed under 327 IAC 15 for general NPDES permit coverage for the CAFO.**

**(c) A person referred to in subsection (a) or (b) must submit to the department a disclosure statement for each responsible party that includes the following:**

**(1) The name and business address of the responsible party.**

**(2) A description of the responsible party's experience in managing the type of facility that will be managed under the permit.**

**(3) A description of all pending administrative, civil, or criminal enforcement actions filed against the responsible party alleging either of the following:**

**(A) Acts or omissions to which either of the following apply:**

**(i) The acts or omissions constitute a material violation of a state or federal environmental law or regulation.**

(ii) The acts or omissions present a substantial endangerment to human health or the environment.

(B) Knowing repeated violations of state or federal environmental laws or regulations that could lead to environmental harm.

(4) A description of all finally adjudicated or settled administrative, civil, or criminal enforcement actions resolved against the responsible party within the five (5) years that immediately precede the date of the application involving either of the following:

(A) Acts or omissions to which either of the following apply:

(i) The acts or omissions constitute a material violation of a state or federal environmental law or regulation.

(ii) The acts or omissions present a substantial endangerment to human health or the environment.

(B) Knowing repeated violations of state or federal environmental laws or regulations that could lead to environmental harm.

(5) Identification of all state and federal environmental permits previously denied or revoked.

(d) A disclosure statement submitted under subsection (c):

(1) must be executed under oath or affirmation; and

(2) is subject to the penalty for perjury under IC 35-44-2-1.

(e) The department may investigate and verify the information set forth in a disclosure statement submitted under subsection (b)."

Page 3, line 23, after "operation" insert "**or a CAFO**".

Page 4, line 3, delete "three" and insert "**four**".

Page 4, line 4, delete "(\$3,000)." and insert "**(\$4,000).**".

Page 4, between lines 6 and 7, begin a new line block indented and insert:

**"(6) The disclosure statement or statements required under section 1.5 of this chapter."**

Page 4, line 8, after "operation" insert "**or a CAFO**".

Page 4, delete lines 12 through 20, begin a new line double block indented and insert:

"(A) each person who owns land that adjoins the land on which the confined feeding operation **or the CAFO** is to be located; or

(B) if a person who owns land that adjoins the land on which the confined feeding operation **or the CAFO** is to be located does not occupy the land, all occupants of the land; and".

Page 4, line 22, after "operation" insert "**or the CAFO**".

Page 4, line 31, after "operation" insert "**or a CAFO**".

Page 4, line 34, after "operation" insert "**or the CAFO**".

Page 4, line 41, delete "." and insert "**or CAFOs**".

Page 4, delete line 42, begin a new paragraph and insert:

"SECTION 9. IC 13-18-10-2.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2.1. (a) The department:

(1) shall make a determination on an application not later than ninety (90) days after the date the department receives the completed application, including all required supplemental information, unless the department and the applicant agree to

a longer time; and

(2) may conduct any inquiry or investigation, consistent with the department's duties under this chapter, the department considers necessary before making a determination.

(b) If the department fails to make a determination on an application not later than ninety (90) days after the date the department receives the completed application, the applicant may request and receive a refund of an approval application fee paid by the applicant, and the commissioner shall:

(1) continue to review the application;

(2) approve or deny the application as soon as practicable; and

(3) refund the applicant's application fee not later than twenty-five (25) working days after the receipt of the applicant's request.

(c) The commissioner may suspend the processing of an application and the ninety (90) day period described under this section if the department determines within thirty (30) days after the department receives the application that the application is incomplete and has mailed a notice of deficiency to the applicant that specifies the parts of the application that:

(1) do not contain adequate information for the department to process the application; or

(2) are not consistent with applicable law.

(d) The department may establish requirements in an approval regarding that part of the confined feeding operation **or the CAFO** that concerns manure handling and application to assure compliance with:

(1) this chapter;

(2) rules adopted under this chapter;

(3) the water pollution control laws;

(4) rules adopted under the water pollution control laws; and

(5) policies and statements adopted under IC 13-14-1-11.5 relative to confined feeding operations **or CAFOs**.

(e) Subject to subsections (f) and (g), the commissioner may deny an application or require the person to apply for an individual permit under section 2.4 of this chapter upon making either of the following findings:

(1) A responsible party intentionally misrepresented or concealed any material fact in:

(A) a disclosure statement; or

(B) other information;

required by section 1.5 of this chapter.

(2) An enforcement action was resolved against a responsible party as described in section 1.5(c)(4) of this chapter.

(f) The commissioner may not deny a permit under this section or require the person to apply for an individual permit under section 2.4 of this chapter based solely on pending actions disclosed under section 1.5(c)(3) of this chapter.

(g) Before making a determination to approve or deny an application or to require the person to apply for an individual permit under section 2.4 of this chapter, the commissioner must consider the following factors:

(1) The nature and details of the acts attributed to the applicant or responsible party.

(2) The degree of culpability of the responsible party.

(3) The responsible party's cooperation with the state or federal agencies involved in the investigation of the

activities involved in actions referred to in section 1.5(c)(4) of this chapter.

(4) The responsible party's dissociation from any other persons or entities convicted in a criminal enforcement action referred to in section 1.5(c)(4) of this chapter.

(5) Prior or subsequent self-policing or internal education programs established by the responsible party to prevent acts, omissions, or violations referred to in section 1.5(c)(4) of this chapter.

(6) Whether the best interests of the public will be served by denial of the permit or by requiring the person to apply for an individual permit under section 2.4 of this chapter.

(7) Any demonstration of good citizenship by the person or responsible party.

(h) Except as provided in subsection (i), in taking action under subsection (e), the commissioner must make separately stated findings of fact to support the action taken. The findings of fact must:

(1) include a statement of ultimate fact; and

(2) be accompanied by a concise statement of the underlying basic facts of record to support the findings.

(i) If the commissioner denies an application under subsection (e) or requires a person to apply for an individual permit under section 2.4 of this chapter, the commissioner is not required to explain the extent to which any of the factors set forth in subsection (g) influenced the denial.

(~~e~~) (j) The department may amend an approval of an application or revoke an approval of an application:

(1) for failure to comply with:

(A) this chapter;

(B) rules adopted under this chapter;

(C) the water pollution control laws; or

(D) rules adopted under the water pollution control laws; and

(2) as needed to prevent discharges of manure into the environment that pollute or threaten to pollute the waters of the state.

SECTION 10. IC 13-18-10-2.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2.2. (a) If an applicant receives an approval under this chapter and completes construction, not more than thirty (30) days after the date the applicant completes the construction the applicant shall execute and send to the department an affidavit that affirms under penalties of perjury that the confined feeding operation or CAFO:

(1) was constructed; and

(2) will be operated;

in accordance with the requirements of the department's approval.

(b) Construction of an approved confined feeding operation or CAFO must:

(1) begin not later than two (2) years; and

(2) be completed not later than four (4) years;

after the date the department approves the construction of the confined feeding operation or CAFO or the date all appeals brought under IC 4-21.5 concerning the construction of the confined feeding operation or CAFO have been completed, whichever is later.

SECTION 11. IC 13-18-10-2.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2.3. (a) A confined

feeding operation must submit a manure management plan to the department at least one (1) time every five (5) years.

(b) For purposes of this section, a manure management plan that outlines: consists of:

(1) procedures for soil testing;

(2) procedures for manure testing; and

(3) maps of manure application areas. to the department at least one (1) time every five (5) years to maintain valid approval for the confined feeding operation under this chapter.

SECTION 12. IC 13-18-10-2.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2.4. (a) The department may examine:

(1) a notice of intent filed under 327 IAC 15 for general NPDES permit coverage for a CAFO; and

(2) the disclosure statement filed with the notice of intent under section 1.5(b)(2) of this chapter;

to determine whether there are grounds under section 2.1 of this chapter to require the person that files the notice of intent to apply for an individual permit for the CAFO under 327 IAC 5.

(b) If the department requires an application for an individual permit under subsection (a), the department must provide to the person the department's findings under section 2.1(e) of this chapter.

SECTION 13. IC 13-18-10-2.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2.6. The department shall establish a compliance and technical assistance program for owners and operators of confined feeding operations and CAFOs that may be administered by:

(1) the department;

(2) a state college or university; or

(3) a contractor.

SECTION 14. IC 13-18-10-2.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2.7. (a) The following fees payable to the department apply to confined feeding operations and CAFOs based on the indicated number of animals:

(1) For a confined feeding operation or a CAFO for the confined feeding of:

(A) at least six hundred (600) swine; and

(B) less than seven hundred fifty (750) swine;

a fee once every five (5) years in the amount of two hundred fifty dollars (\$250).

(2) For a confined feeding operation or a CAFO for the confined feeding of:

(A) more than seven hundred forty-nine (749) swine; and

(B) less than two thousand five hundred (2,500) swine; an annual fee of three hundred dollars (\$300).

(3) For a confined feeding operation or a CAFO for the confined feeding of:

(A) more than three hundred (300) cows; and

(B) less than seven hundred (700) cows;

an annual fee of three hundred dollars (\$300).

(4) For a confined feeding operation or a CAFO for the confined feeding of at least two thousand five hundred

(2,500) swine, an annual fee of nine hundred dollars (\$900).

(5) For a confined feeding operation or a CAFO for the confined feeding of at least seven hundred (700) cows, an annual fee of nine hundred dollars (\$900).

(6) For a confined feeding operation or a CAFO for the confined feeding of at least thirty thousand (30,000) poultry, an annual fee of nine hundred dollars (\$900).

(b) A CAFO subject to a fee under the following is not subject to NPDES permit fees under IC 13-18-20:

(1) Subsection (a).

(2) Section 2 of this chapter.

SECTION 15. IC 13-18-10-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) The board may adopt rules under IC 4-22-2 and IC 13-14-9 and the department may adopt policies or statements under IC 13-14-1-11.5 that are necessary for the proper administration of this chapter. The rules, policies, or statements may concern construction and operation of confined feeding operations and CAFOs and may include uniform standards for:

(1) construction and manure containment that are appropriate for a specific site; and

(2) manure application and handling that are consistent with best management practices:

(A) designed to reduce the potential for manure to be conveyed off a site by runoff or soil erosion; and

(B) that are appropriate for a specific site.

(b) Standards adopted in a rule, policy, or statement under subsection (a) must:

(1) consider confined feeding standards that are consistent with standards found in publications from:

(A) the United States Department of Agriculture;

(B) the Natural Resources Conservation Service of the United States Department of Agriculture;

(C) the Midwest Plan Service; and

(D) university extension bulletins; and

(2) be developed through technical review by the department, university specialists, and other animal industry specialists."

Delete pages 5 through 10.

Page 11, delete lines 1 through 36.

Page 12, line 7, delete "A" and insert "This section does not apply to a".

Page 12, line 7, after "application" insert "or a notice of intent".

Page 12, line 12, delete "CAFO shall remit the fees required under" and insert "CAFO.

(d) A person referred to in subsection (c) is subject to fees under IC 13-18-10."

Page 12, delete line 13. Page 12, after line 20, begin a new paragraph and insert:

"SECTION 18. [EFFECTIVE JULY 1, 2007] IC 13-18-20-11.5 IS REPEALED."

Renumber all SECTIONS consecutively.

(Reference is to SB 431 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Tax and Fiscal Policy.

Committee Vote: Yeas 7, Nays 0.

GARD, Chair

Report adopted.

## COMMITTEE REPORT

Madam President: The Senate Committee on Economic Development and Technology, to which was referred Senate Bill 461, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

Page 1, delete lines 4 through 17, begin a new paragraph and insert:

### "Chapter 7.3. One Map for Indiana

Sec. 1. As used in this chapter, "association" means an entity other than an individual formed in Indiana to develop and recommend policies, standards, guidelines, or cooperative strategies concerning geographic data and related technologies.

Sec. 2. As used in this chapter, "electronic map" has the meaning set forth in IC 5-14-3-2(d).

Sec. 3. (a) As used in this chapter, "framework data" means common electronic map information for a geographic area.

(b) The term includes the following:

(1) Digital orthophotography.

(2) Digital cadastre.

(3) Public land survey system.

(4) Elevation.

(5) Geodetic control.

(6) Governmental boundary units.

(7) Water features.

(8) Addresses.

(9) Streets.

Sec. 4. As used in this chapter, "fund" refers to the electronic map maintenance fund established by section 15 of this chapter.

Sec. 5. As used in this chapter, "GIS" refers to geographic information systems.

Sec. 6. As used in this chapter, "Indiana map" means a statewide electronic map consisting of framework data for Indiana."

Page 2, delete lines 1 through 2.

Page 2, delete lines 11 through 42.

Page 3, delete lines 1 through 26, begin a new paragraph and insert:

"Sec. 11. (a) The state data center shall seek the advice of associations that have the capability to serve any state agency or political subdivision in Indiana.

(b) After August 31, 2007, state agencies shall coordinate with the Indiana Geographic Information Council or its successor organization, if the articles of incorporation or the bylaws of the Indiana Geographic Information Council or its successor organization provide the following:

(1) The board of directors must have at least three (3) and not more than thirty-three (33) directors.

(2) The board of directors must have three (3) directors from state government, of which two (2) of the three (3) directors from state government must be appointed as follows:

(A) One (1) director appointed by the governor.

(B) One (1) director appointed by the lieutenant governor.

(3) If the board of directors has more than three (3) directors, the directors other than the directors appointed under subdivision (2) must represent public and private entities with an interest in GIS.

**Sec. 12. (a) The state data center shall have responsibility for the Indiana map.**

**(b) The state data center shall employ a director of the Indiana map."**

Page 3, line 27, delete "15." and insert "13."

Page 3, line 27, delete "office" and insert "state data center".

Page 3, between lines 27 and 28, begin a new line block indented and insert:

**"(1) Develop the Indiana map.**

**(2) Integrate framework data developed and maintained by state agencies and political subdivisions into the Indiana map."**

Page 3, line 28, delete "(1)" and insert "(3)".

Page 3, delete lines 34 through 42, begin a new line block indented and insert:

**"(4) Provide public access to electronic map framework data through the Indiana map and a network of partners.**

**(5) Coordinate multiagency or multijurisdictional GIS projects.**

**(6) Cooperate with the United States Board on Geographic Names established by P.L.80-242 by serving as the state names authority for Indiana.**

**(7) Provide policy guidance to state agencies and political subdivisions regarding public access to electronic map data so that information is available to the public while needed confidentiality is protected.**

**(8) Publish a statewide electronic map framework data plan and publish a biennial report."**

Page 4, delete lines 1 through 2.

Page 4, line 3, delete "(5)" and insert "(9)".

Page 4, line 7, delete "office" and insert "state data center".

Page 4, delete lines 10 through 14.

Page 4, line 15, delete "(3)" and insert "(2)".

Page 4, line 20, delete "(4)" and insert "(3)".

Page 4, line 22, delete "(5)" and insert "(4)".

Page 4, line 27, delete "(6)" and insert "(5)".

Page 4, delete lines 29 through 33, begin a new paragraph and insert:

**"(c) The publication and access requirements of this chapter do not apply to electronic map data that the governor designates as a security risk.**

**Sec. 14. The state data center shall coordinate with state institutions of higher learning to do the following:"**

Page 4, line 41, after "technical" insert "GIS".

Page 5, delete lines 6 through 23, begin a new paragraph and insert:

**"Sec. 15. (a) The electronic map maintenance fund is established for the following purposes:**

**(1) Funding GIS grants.**

**(2) Administering this chapter.**

**(b) The fund consists of the following:**

**(1) Appropriations made to the fund by the general assembly.**

**(2) Gifts or grants received by the state for GIS purposes.**

**(c) The state library shall administer the fund.**

**(d) The expenses of administering the fund shall be paid from money in the fund.**

**(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.**

**(f) Money in the fund at the end of a state fiscal year does not revert to the state general fund."**

Renumber all SECTIONS consecutively.

(Reference is to SB 461 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

FORD, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill 64, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 20-29-10 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

**Chapter 10. Report of Certain Contributions and Expenditures by School Employee Organizations**

**Sec. 1. (a) This chapter applies to campaigns for election to:**

**(1) state, legislative, school board, or local office (as defined in IC 3-5-2-29); or**

**(2) federal office (as defined in IC 3-5-2-24) that:**

**(A) are conducted in Indiana; and**

**(B) receive contributions from school employee organizations that have members who reside in Indiana.**

**(b) This chapter also applies to the activities of a public advocacy organization to influence any legislative action.**

**Sec. 2. As used in this chapter, "candidate" has the meaning set forth in IC 3-5-2-6.**

**Sec. 3. As used in this chapter, "contribution" has the meaning set forth in IC 3-5-2-15.**

**Sec. 4. As used in this chapter, "expenditure" has the meaning set forth in IC 2-7-1-3.**

**Sec. 5. As used in this chapter, "public advocacy organization" means a person or an organization that communicates by any means, or pays others to communicate by any means, to:**

**(1) inform the general public; or**

**(2) urge the general public to take an action; to influence public policy.**

**Sec. 6.** A school employee organization shall provide to its members, not later than March 1 each year, a disclosure report describing the school employee organization's:

- (1) contributions to candidates for federal, state, legislative, school board, or local office; and
- (2) expenditures for public advocacy organizations.

**Sec. 7.** The disclosure report required under section 6 of this chapter must include the following information for each campaign to which a contribution was made:

- (1) The candidate's name.
- (2) The candidate's party affiliation or the statement that the candidate is an independent candidate not affiliated with any party.
- (3) The office the candidate was seeking.
- (4) The amount of the contribution, including a detailed itemization of the amount that was cash, in kind services, and any other type of property.
- (5) The dates that contributions were made.
- (6) A statement as to whether the candidate won the election.
- (7) Any other information that the board may by rule require.

**Sec. 8.** The disclosure report required under section 6 of this chapter must include the following information for each public advocacy organization for which an expenditure was made:

- (1) The public advocacy organization's name and business address.
- (2) The subject matter for which the public advocacy organization advocates.
- (3) The amount of the expenditure, including a detailed itemization of the amount that was cash, in kind services, and any other type of property.
- (4) The description of the use of the expenditure by the public advocacy organization.
- (5) The dates that expenditures were made.
- (6) Any other information that the board may by rule require.

**Sec. 9.** (a) The disclosure report required under section 6 of this chapter must be distributed by both of the following methods:

- (1) A copy of the disclosure report must be sent:
  - (A) by United States mail, postage prepaid; or
  - (B) if the member requests, electronically;

to each member who paid dues to the school employee organization since the date of the prior disclosure report.

- (2) The disclosure report must be posted or available for review in a prominent and accessible place in:

- (A) the school employee organization's principal offices; and
- (B) the location where meetings of the school employee organization are usually held.

(b) The disclosure report may also be distributed by any other method, such as posting the disclosure report on a web site, that will give members of the school employee organization ready and easy access to the disclosure report.

**Sec. 10.** (a) The board shall prescribe a uniform format and content for the disclosure reports required by this chapter.

- (b) The board may adopt rules under IC 4-22-2 to administer

this chapter.

**SECTION 2.** [EFFECTIVE JULY 1, 2007] (a) A school employee organization shall file, not later than March 1, 2008, the initial disclosure report required under IC 20-29-10-6, as added by this act, for the twelve (12) month period ending December 31, 2007.

(b) This SECTION expires June 30, 2008.

(Reference is to SB 64 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Pensions and Labor.

LONG, Chairperson

Report adopted.

## RESOLUTIONS ON FIRST READING

### Senate Resolution 13

Senate Resolution 13, introduced by Senator Paul:

A SENATE RESOLUTION to honor Richard L. Hamm on his distinguished career.

*Whereas, Richard L. Hamm was born in Liberty, Indiana and moved to Wayne County as a youth. He graduated from Richmond High School and went to work for Wallace Metal Products, Incorporated;*

*Whereas, Mr. Hamm rose through the ranks from a production worker to the job of plant manager. Thereafter, he moved on in his career path to become the Owner and President of the Paul Casket Company, Incorporated, the Cambridge City Casket Company, Incorporated, and Dove Manufacturing, Incorporated;*

*Whereas, In the course of Mr. Hamm's career, he served as the National President of the Casket and Funeral Supply Association of America, the President of the Independent Group, Incorporated, and a Board Member of the Indiana Manufacturers Association;*

*Whereas, Mr. Hamm has also served his community as President of the Wayne County Youth Center Board, President of the Boys & Girls Club of Wayne County, Board Member of the Economic Development Corporation of Wayne County, Board Member of the Indiana State Economic Development Advising Board, and Council Member of the Indiana State Economic Development Council; and*

*Whereas, Richard L. Hamm has been recognized with the Outstanding Officer Award by the Richmond Jaycees, the Kentucky Colonel Award by the Commonwealth of Kentucky, and the Man & Youth Award by the Boys & Girls Club of Wayne County. In addition, April 16, 2005 was proclaimed "Richard L. Hamm Day" by Centerville Town Board Proclamation: Therefore,*

*Be it resolved by the Senate of the General Assembly of the State of Indiana:*

**SECTION 1.** The Indiana State Senate honors Richard L. Hamm for his distinguished career.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Richard and Debra Hamm.

The resolution was read in full and adopted by voice vote.

### Senate Concurrent Resolution 30

Senate Concurrent Resolution 30, introduced by Senator Lubbers:

A CONCURRENT RESOLUTION honoring the Indianapolis Symphonic Choir.

*Whereas, The Indianapolis Symphonic Choir was founded in 1937 and the 2006-2007 season marks its 70th anniversary of song;*

*Whereas, Artistic Director Dr. Eric Stark currently leads more than 150 volunteer singers from throughout the state. These members participate in innovative programming, community outreach and education;*

*Whereas, The Indianapolis Symphonic Choir presents and performs in eight to ten different concert productions for over 10,000 audience members each season;*

*Whereas, Annual features include the gospel program Celebration, the Sacred Arts interactive performance experience, the Festival of Carols, Messiah and the Sacred Masterworks series of major works for chorus and orchestra; and*

*Whereas, The Indianapolis Symphonic Choir represents the City of Indianapolis and the State of Indiana in performances heard across the nation. The choir's mission and tradition of excellence deserve recognition: Therefore,*

*Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly honors the Indianapolis Symphonic Choir on its 70th anniversary.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Artistic Director Dr. Eric Stark and the Secretary of the Board of Directors, Mary Gosling.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Orentlicher.

### Senate Resolution 9

Senate Resolution 9, introduced by Senator Nugent:

A SENATE RESOLUTION to honor the Batesville Masonic Lodge No. 668 on their 100th anniversary.

*Whereas, The Batesville Masonic Lodge No. 668 is a charitable, benevolent, educational and religious fraternity. Their income is devoted to the promotion of the welfare and happiness of mankind;*

*Whereas, The Batesville Masonic Lodge No. 668 will celebrate their 100th anniversary on July 28, 2007 with a Masonic Parade in Batesville, Indiana. The parade will be led by the Grand Master of Indiana; and*

*Whereas, Upon rededication of the lodge with corn, wine and oil by the Indiana Grand Lodge officers, the celebration will conclude with a luncheon honoring the first 100 Worshipful Masters of the Batesville Lodge: Therefore,*

*Be it resolved by the Senate of the General Assembly of the State of Indiana:*

SECTION 1. The Indiana State Senate honors the Batesville Masonic Lodge No. 668 on their 100th anniversary.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Albert R. Anness, Secretary of the Batesville Masonic Lodge No. 668.

The resolution was read in full and adopted by voice vote.

### Senate Resolution 10

Senate Resolution 10, introduced by Senator Nugent:

A SENATE RESOLUTION to honor the Knights of Columbus Monsignor William J. Kreis Council 1231 on its 100th Anniversary.

*Whereas, The Knights of Columbus Monsignor William J. Kreis Council 1231 is a Catholic men's fraternal benefit society that provides aid and assistance to sick, disabled and needy members and their families;*

*Whereas, The Knights of Columbus has helped families obtain economic security and stability through its life insurance, annuity and long-term care programs and its members have invested significant time and energy to provide services in communities worldwide;*

*Whereas, The Knights of Columbus has been praised by popes, presidents and other world leaders for support of the Church, programs of evangelization and Catholic education, civic involvement and aid to those in need; and*

*Whereas, The Knights of Columbus Monsignor William J. Kreis Council 1231 uphold the tradition of patriotism and the values of their faith with dignity and benevolence. Its 100th anniversary is worthy of recognition: Therefore,*

*Be it resolved by the Senate of the General Assembly of the State of Indiana:*

SECTION 1. The Indiana Senate honors the Knights of Columbus Monsignor William J. Kreis Council 1231 on its 100th anniversary.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to M. Joseph Kisor of the Knights of Columbus Monsignor William J. Kreis Council 1231.

The resolution was read in full and adopted by voice vote.

## SENATE BILLS ON SECOND READING

### Senate Bill 42

Senator Bray called up Senate Bill 42 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

### Senate Bill 45

Senator Bray called up Senate Bill 45 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

### Senate Bill 171

Senator Delph called up Senate Bill 171 for second reading. The bill was read a second time by title.

#### SENATE MOTION (Amendment 171-1)

Madam President: I move that Senate Bill 171 be amended to read as follows:

Page 8, line 31, strike "establish a method for making determinations as to" and insert **"implement this chapter setting forth the duties and responsibilities of insurers and insurance producers for determining whether there were reasonable grounds for believing that a recommendation to a purchase or exchange and annuity was suitable for the consumer on the basis of the facts disclosed by the consumer as to his or her investments and other insurance products and as to his or her financial situation and needs."**

Page 8, strike lines 32 through 33.

(Reference is to SB 171 as printed February 7, 2007.)

M. YOUNG

Motion prevailed. The bill was ordered engrossed.

### Senate Bill 185

Senator Errington called up Senate Bill 185 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

### Senate Bill 212

Senator Ford called up Senate Bill 212 for second reading. The bill was read a second time by title.

#### SENATE MOTION (Amendment 212-1)

Madam President: I move that Senate Bill 212 be amended to read as follows:

Page 2, line 5, delete "in violation of any applicable" and insert ":

- (1) in violation of any applicable federal law; or
- (2) to which the deceased person would not have been permitted access in the ordinary course of business by the custodian."

Page 2, delete line 6.

(Reference is to SB 212 as printed February 9, 2007.)

FORD

Motion prevailed. The bill was ordered engrossed.

### Senate Bill 247

Senator Mrvan called up Senate Bill 247 for second reading. The bill was read a second time by title.

#### SENATE MOTION (Amendment 247-1)

Madam President: I move that Senate Bill 247 be amended to read as follows:

Replace the effective dates in SECTIONS 1 through 2 with "[EFFECTIVE January 1, 2008]".

(Reference is to SB 247 as printed February 9, 2007.)

MRVAN

Motion prevailed. The bill was ordered engrossed.

### Senate Bill 337

Senator Riegsecker called up Senate Bill 337 for second reading. The bill was read a second time by title.

#### SENATE MOTION (Amendment 337-1)

Madam President: I move that Senate Bill 337 be amended to read as follows:

Page 1, line 15, strike "(c)." and insert **"(c)(1) and notice required under subsections (c)(2) and (c)(3)."**

Page 2, line 1, after "under" insert **"and notice"**.

Page 2, line 4, delete "." and insert **", which must include the following:**

**(A) An itemized listing for each property tax levy, including:**

- (i) the amount of the tax rate;**
- (ii) the entity levying the tax owed; and**
- (iii) the dollar amount of the tax owed.**

**(B) Information designed to inform the taxpayer or mortgagee clearly and accurately of the manner in which the taxes billed in the tax statement are to be used. The information must include:**

- (i) the current year's and preceding year's net tax amount per taxing district; and**
- (ii) a listing of all exemptions available to the taxpayer and the exemption amount the taxpayer is currently receiving.**

**(2) A statement specifying that the information listed in subsection (d) is available from the county treasurer to a person or mortgagee that requests the information from the county treasurer.**

**(3) A statement of the means by which the person or mortgagee may request the information listed in subsection (d) from the county treasurer, which must include at least the following:**

- (A) Telephone.**
- (B) Regular mail.**
- (C) Electronic mail.**

**A form used and the method by which the statement and information, if any, are transmitted must be approved by the state board of accounts. The county treasurer may mail or**

transmit the statement and information, if any, one (1) time each year at least fifteen (15) days before the date on which the first or only installment is due. Whenever a person's tax liability for a year is due in one (1) installment under IC 6-1.1-7-7 or section 9 of this chapter, a statement that is mailed must include the date on which the installment is due and specify the amount of money to be paid for the installment. Whenever a person's tax liability is due in two (2) installments, a statement that is mailed must contain the dates on which the first and second installments are due and specify the amount of money to be paid for each installment. All payments of property taxes and special assessments shall be made to the county treasurer. The county treasurer, when authorized by the board of county commissioners, may open temporary offices for the collection of taxes in cities and towns in the county other than the county seat."

Page 2, delete lines 5 through 12.

(Reference is to SB 337 as printed February 2, 2007.)

RIEGSECKER

Motion prevailed. The bill was ordered engrossed.

#### Senate Bill 471

Senator Wyss called up Senate Bill 471 for second reading. The bill was read a second time by title.

#### SENATE MOTION (Amendment 471-2)

Madam President: I move that Senate Bill 471 be amended to read as follows:

Page 2, line 12, after "is" insert "**not**".

Page 2, line 13, delete "and did not kidnap" and insert "**unless the victim's parent or guardian kidnapped**".

Page 2, line 17, delete "and" and insert "**unless the victim's parent or guardian confined or removed**".

Page 2, line 18, delete "did not confine or remove".

Page 13, line 22, delete "," and insert ";".

Page 13, line 22, delete "unless the offense is sexual".

Page 13, delete lines 23 through 24.

Page 13, delete "of the offense;".

Page 15, line 7, delete "section" and insert "**subsection**".

Page 16, delete lines 12 through 42.

Page 17, delete lines 1 through 9.

Renumber all SECTIONS consecutively.

(Reference is to SB 471 as printed February 9, 2007.)

WYSS

Motion prevailed. The bill was ordered engrossed.

### ENGROSSED SENATE BILLS ON THIRD READING

#### Engrossed Senate Bill 6

Senator Ford called up Engrossed Senate Bill 6 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its

passage. The question was, Shall the bill pass?

Roll Call 94: yeas 45, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Micon, Reske, Murphy, and Koch.

#### Engrossed Senate Bill 29

Senator Waltz called up Engrossed Senate Bill 29 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 95: yeas 46, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Robertson and Buell.

#### Engrossed Senate Bill 38

Senator Meeks called up Engrossed Senate Bill 38 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 96: yeas 46, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Herrell, Klinker, and Bell.

#### Engrossed Senate Bill 125

Senator Dillon called up Engrossed Senate Bill 125 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 97: yeas 44, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Kuzman and Ulmer.

#### Engrossed Senate Bill 134

Senator Miller called up Engrossed Senate Bill 134 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 98: yeas 37, nays 9. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Tyler, C. Brown, and T. Brown.

#### **Engrossed Senate Bill 147**

Senator Bray called up Engrossed Senate Bill 147 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 99: yeas 45, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Kuzman and Richardson.

#### **Engrossed Senate Bill 166**

Senator Ford called up Engrossed Senate Bill 166 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 100: yeas 46, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Reske, Tincher, and Murphy.

#### **Engrossed Senate Bill 181**

Senator Weatherwax called up Engrossed Senate Bill 181 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 101: yeas 46, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Austin and Soliday.

#### **Engrossed Senate Bill 331**

Senator Lawson called up Engrossed Senate Bill 331 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning

taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 102: yeas 45, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Grubb and Thomas.

#### **Engrossed Senate Bill 344**

Senator Wyss called up Engrossed Senate Bill 344 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 103: yeas 45, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Tincher and Ruppel.

#### **Engrossed Senate Bill 416**

Senator R. Young called up Engrossed Senate Bill 416 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 104: yeas 46, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Dembowski, Oxley, and Saunders.

#### **Engrossed Senate Bill 419**

Senator Simpson called up Engrossed Senate Bill 419 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning commercial law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 105: yeas 45, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Bardon and Foley.

#### **Engrossed Senate Bill 489**

Senator Ford called up Engrossed Senate Bill 489 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 106: yeas 46, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Welch and Koch.

#### **Engrossed Senate Bill 524**

Senator Hershman called up Engrossed Senate Bill 524 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 107: yeas 46, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Mays and Borrer.

#### **Engrossed Senate Bill 566**

Senator Dillon called up Engrossed Senate Bill 566 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 108: yeas 46, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives C. Brown and T. Brown.

#### **SENATE MOTION**

Madam President: I move that Senator Long be removed as author of Senate Bill 64 and that Senator Kruse be substituted therefor.

LONG

Motion prevailed.

#### **SENATE MOTION**

Madam President: I move that Senator Kruse be added as coauthor of Senate Bill 487.

WYSS

Motion prevailed.

#### **SENATE MOTION**

Madam President: I move that Senator Lanane be added as coauthor of Engrossed Senate Bill 147.

BRAY

Motion prevailed.

#### **SENATE MOTION**

Madam President: I move that Senator Hume be added as third author of Senate Bill 535.

LANDSKE

Motion prevailed.

#### **SENATE MOTION**

Madam President: I move that Senator Howard be added as third author of Engrossed Senate Bill 181.

WEATHERWAX

Motion prevailed.

#### **SENATE MOTION**

Madam President: I move that Senator Sipes be added as second author of Senate Bill 104.

LAWSON

Motion prevailed.

#### **SENATE MOTION**

Madam President: I move that Senator Miller be added as coauthor of Engrossed Senate Bill 471.

WYSS

Motion prevailed.

#### **SENATE MOTION**

Madam President: I move that Senator Miller be added as second author of Senate Bill 534.

LUBBERS

Motion prevailed.

#### **SENATE MOTION**

Madam President: I move that Senators Paul and Merritt be added as coauthors of Engrossed Senate Bill 29.

WALTZ

Motion prevailed.

#### **SENATE MOTION**

Madam President: I move that Senator Paul be added as third author of Senate Bill 463.

HEINOLD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Rogers be added as second author of Engrossed Senate Bill 134.

MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Steele and M. Young be added as coauthors of Senate Bill 248.

MRVAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Miller be added as coauthor of Engrossed Senate Bill 489.

FORD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Hershman be added as second author of Senate Bill 457.

RIEGSECKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Zakas be added as coauthor of Senate Bill 412.

HERSHMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Skinner be added as coauthor of Senate Bill 466.

MEEKS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Drozda be added as coauthor of Senate Bill 264.

WALKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Bray be added as second author and Senator Lubbers be added as third author of Senate Bill 199.

MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Thursday, February 15, 2007.

LONG

Motion prevailed.

The Senate adjourned at 3:15 p.m.

MARY C. MENDEL  
Secretary of the Senate

REBECCA S. SKILLMAN  
President of the Senate